

**UNITED STEELWORKERS OF AMERICA
Safety, Health and Environment Department**

**Comments on OSHA's Proposal for
Walking and Working Surfaces**

Docket S-041

and

**Personal Protective Equipment
(Fall Protection Systems)**

Docket S-057

**Washington, D. C.
September 14, 1990**

Frank Grimes - I have been a Safety and Health Specialist for the Safety, Health and Environment Department of the United Steelworkers of America for the past 19 years. The USWA represents over 700,000 workers in many industries, and many workers will be affected by the proposed changes in this standard.

On July 9, 1990, I submitted detailed comments on many of the proposed changes for Walking and Working Surfaces. To save time, I will not repeat all those comments today, but I would like to address some of the more important proposals. I also enclosed 18 fatality reports of Steelworkers who fell to their deaths. Some of these accidents could have been avoided had safety belts been properly used. Others occurred when the surface on which they were walking gave way under their weight. Other accidents occurred because there were no covers or handrailing present. Several fell when descending a ladder. Almost all of these fatalities were to maintenance workers who were repairing some type of equipment.

After reviewing these accident reports, I feel the need for improved training for workers who must work on equipment and in areas where the normal fall protection is not present. But I do not agree that just training a worker on the hazards of falling could substitute providing standard protections such as handrailing or ladder cages. Most maintenance workers

are in different areas or on different jobs each day. They must be given the best protection that is available. When they must climb on or over equipment or machinery, they must be given the proper working platforms and safe access to them, and in some cases, personal fall protection equipment and be trained in their use and limitations.

I found it very interesting that OSHA could revise their present standard for walking and working surfaces and save an additional 20 lives and 16,000 injuries and at the same time save industry over \$3 1/2 billion. The person who developed these figures should be put in charge of reducing the National Debt.

I also cannot see how allowing guardrails that should have been 42" for the past 20 years be 36" forever, then when a new standard is promulgated they only have to be 39". I do not understand how lowering a guardrail will increase safety. It seems all that OSHA is doing is giving amnesty to all employers who have not complied with the existing standard for the last 20 years. I quote, "OSHA does not intend to require widespread retrofitting of existing structures; OSHA has grandfathered existing situations where safety would not be unduly compromised". I do not know how this would comply with Section 6(a) of the Act when it says, "The Secretary shall promulgate the standard which assures the greatest protection of the safety

and health of the employees". I would like to know what "unduly compromised" means. Nowhere in the Act do I see this phrase. I know OSHA has not been enforcing the 42" guardrail for some time through a program directive. So I guess making them 39" after this standard goes into effect is an improvement over the 36" that some employers are allowed to have.

I also would like to comment on the following issues:

Qualified Climber - 1910.32(b)(5)

I have read this proposal several times, and find it very hard to understand when a qualified climber could be used instead of cages or ladder safety devices. It says when installing and maintenance of these devices present a greater hazard than having a qualified climber, use a fixed ladder without this protection. How can you determine the hazard of a one-time installation of a safety device with years of climbing up and down that ladder? I have not seen any data on accidents when installing safety devices. Had a cage or safety device been attached to the ladder when the ladder was installed, there would be no additional hazard.

What is the requirement for new construction? Do they need cages or safety devices since no additional hazards would be created? Trying to determine which is the greatest hazard could be anyone's guess and

impossible to enforce. Added to that exemption is a requirement that it only be used twice a year. I am sure others will add to that suggestion before these hearings are over. I do not think any worker should be qualified to perform work that is unsafe. Ladder cages and safety devices have been around for a long time. They have a very important purpose, and that is to protect workers who must climb ladders.

I do understand that the advertising industry requested a variance from this standard a long time ago. And I support that action. If any employer cannot comply with a specific standard and has a program that is equal to or better than the standard, that employer should request a standard for that specific job or jobs that are affected. I disagree with the idea to change the whole standard for all workers in all industries.

Walking and Working Surfaces

It is my understanding that Colleen Baker, Business Manager of Local Union 820 of the Sign and Pictorial Painters, has already testified on the subject of qualified climbers and has been active in the variance request from Gannett Corp. She stated, "Therefore we address the concept in two ways, (a) accepting the variance request for the entire outdoor advertising industry, and (b) in disagreement as a proposal for revision to the standards." As I mentioned earlier, I favor companies or industries to apply

for a variance when they have a safe or safer way than complying with a standard. I cannot comment on their variance request because I am not familiar with their work and the problems with complying with the present standard. But I do not want the workers the USWA represents being denied safety devices because they have a problem in the advertising industry. I oppose the qualified climber proposal when cages and ladder safety devices can be used. The variance request should continue to be processed separately from this proposal.

One other issue I would like to comment on is the proposal 1910.22(a)(1). Should this standard apply to ladders that form an integral part of machinery? My answer to that is yes. All machinery does not have two or three rungs on a ladder to get access to. As I pointed out in my previous comments, sometimes machinery can be 10 stories high. As a matter of fact, that standard came from the American Iron and Steel Institute when they testified at a recent OSHA hearing on Methods of Compliance Docket No. H-160. They stated, "Second, the machinery and equipment in steel mills are very large, as much as 10 stories or more in height and over a half mile in length." I understand that some machinery you may not need to have stairs--handrailing, toe boards, etc., but some you do. You therefore cannot exempt all machinery from this standard.

One issue not raised in this proposal is a requirement that whenever an overhead crane moves away from the exit stairway that it be provided with a controlled descent device in case of a fire or any other emergency that would trap an operator in his/her cab. We have had several accidents by crane operators who were trapped in their cranes during an emergency. There are a number of these devices available and in use at the present time. I would recommend that OSHA look into this problem and come back with a proposal that would require a secondary means of escape from an overhead crane in case of a fire or other emergency. A controlled descent device could provide that secondary means of escape.